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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 SAMUEL MERROW,

11 Plaintiff,

12 v.

13 DEPARTMENT OF CORRECTIONS et
14 al.,

15 Defendants.

CASE NO. C11-5883-BHS-JRC

REPORT AND RECOMMENDATION

NOTED FOR: MARCH 30, 2012

16 This 42 U.S.C. §1983 civil rights action has been referred to the undersigned Magistrate
17 Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judges Rules MJR 1,
18 MJR 3, and MJR 4. The Court recommends that this action be dismissed without prejudice for
19 failure to keep the Court informed of a current address.

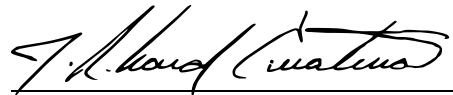
20 The Court sent plaintiff an order on December 20, 2011 (ECF No. 9). That order was
21 returned as undeliverable on December 28, 2011 (ECF No. 10). It has been over 60 days and
22 plaintiff has not informed the Court of any new address. Plaintiff has failed to prosecute this
23 action and is in violation of Local Rule 41 (b) (2) That rule states:
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1 A party proceeding pro se shall keep the court and opposing parties advised as to
2 his current address. If mail directed to a pro se plaintiff by the clerk is returned by
3 the Post Office, and if such plaintiff fails to notify the court and opposing parties
within 60 days thereafter of his current address, the court may dismiss the action
without prejudice for failure to prosecute.

4 Plaintiff has failed to comply with the Local Rule. The Court recommends dismissal of
5 this action without prejudice.

6 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have
7 fourteen (14) days from service of this Report to file written objections. See also Fed. R. Civ. P.
8 6. Failure to file objections will result in a waiver of those objections for purposes of de novo
9 review by the district judge. See 28 U.S.C. § 636(b)(1)(C). Accommodating the time limit
10 imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter for consideration on
11 March 30, 2012, as noted in the caption.

12 Dated this 2nd day of March, 2012.

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15 J. Richard Creatura
16 United States Magistrate Judge
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